



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6167 5752

January 20, 2009

Mr. John Becker, Chief
Victorville Fire Department Hazardous Materials Division
P.O. Box 5001
Victorville, California 92393

Dear Mr. Becker:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of the Victorville Fire Department Hazardous Materials Division Certified Unified Program Agency (CUPA) on November 13, 2008. The evaluation was comprised of an in-office program review by the State evaluator. The evaluator completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Victorville Fire Department Hazardous Materials Division's program performance meets or exceeds standards.

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original Signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Please see next page.

Mr. John Becker
January 20, 2009
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cc sent via email:

Mr. Greg Coon
CUPA Program Manager
City of Victorville Fire Department
P.O. Box 5001
Victorville, California 92393

Mr. Kevin Graves
State Water Resources Control Board
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Office of the State Fire Marshal
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Sacramento, California 94244-2460

Mr. Brian Abeel
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Enclosure



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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Victorville Fire Department Hazardous Materials Division

Evaluation Date: November 13, 2008

EVALUATION TEAM

Cal/EPA: Kareem Taylor

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA did not report informal enforcement actions on its Annual Enforcement Summary Reports (Report 4) for the past three fiscal years (FY). CCR, Title 27, Section 15290 (a)(3) (Cal/EPA)	This deficiency was corrected during the evaluation.

CUPA Representative

Greg Coon
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Kareem Taylor
(Print Name)

Original Signed
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

- 1. Observation:** The CUPA does not classify violations on its inspection reports or its Tidemark database. The violations for all the CUPA's regulated facilities are recorded and classified as Class 1, Class 2, or minor on a monthly basis in a "Haz-Mat Inspection Monthly Report". The details of egregious violations are recorded as notes in Tidemark.

Recommendation: Cal/EPA recommends that for all program elements the CUPA begin classifying violations as Class 1, Class 2, or minor on its inspection reports and its Tidemark database.

- 2. Observation:** The CUPA verbally requests consent to inspect from owners/operators, but the CUPA does not obtain a signature documenting consent to inspect.

Recommendation: Cal/EPA recommends that before each inspection, the CUPA obtain a signature from an owner/operator to document their consent to the inspection. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility. This recommendation is based on the "Inspection Report Writing Guidance for UPA's". This document is available upon request and can be found at

www.calepa.ca.gov/CUPA/Documents/2005/InspectionRpt.pdf.

- 3. Observation:** Victorville city council is planning to discontinue Victorville Fire Department in the near future. This would effectively discontinue the CUPA program in the city. Plans are being developed to have San Bernardino's CUPA regulate the businesses currently being regulated by Victorville's CUPA. The City of Victorville has not given its 180 days notice to the Secretary of Cal/EPA stating its intent to withdraw from its Unified Program obligations.

Recommendation: If the City of Victorville decides to withdraw from its Unified Program obligations, it must give the Secretary of Cal/EPA and the county in which it is located 180 days notice (Title 27, Section 15320 (c)).

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has achieved nearly 100% single fee collection for the past three fiscal years. This is attributed to the CUPA's diligent efforts in timely follow-up actions for all invoices that are 60-day's delinquent.
2. The CUPA has exceeded the mandated frequencies for most of the Unified Program elements. The CUPA's goal is to inspect each facility annually. Although this goal was not achieved, the CUPA efforts are commendable.
 - In FY 07/08, the CUPA inspected 57% of its business plan facilities, 100% of its CalARP facilities, 100% of its UST facilities, and 81% of its hazardous waste facilities.
 - In FY 06/07, the CUPA inspected 51% of its business plan facilities, 100% of its CalARP facilities, 100% of its UST facilities, and 61% of its hazardous waste facilities.
 - In FY 05/06, the CUPA inspected 54% of its business plan facilities, 20% of its CalARP facilities, 100% of its UST facilities, and 51% of its hazardous waste facilities.
3. Victorville Fire Department Hazardous Materials Division CUPA is well organized and managed by the CUPA Manager. The CUPA has fostered a great working relationship with the regulated community. Outreach and compliance assistance is provided through various means, such as, the CUPA's website and customer satisfaction survey used to solicit public comments. Annual permits are provided in a timely manner. To ensure adequate coordination and promote consistency within the County, the CUPA meets and consults on a regular basis with the San Bernardino CUPA, other CUPAs in the region, and other non-Unified Program agencies both internal to the City and external. The CUPA has also maintained excellent documentation of training for CUPA staff, which includes cross-training plan to promote program standardization. The CUPA has trained Public Works staff in the hazardous materials program. Public Works staff are now able to assist in emergency response situations.
4. The CUPA manages a Household Hazardous Waste Collection Center in Victorville for the collection of residential waste. Use of the facility is free and is open every Wednesday and Sunday from 9:00am to 4:00pm.
5. The CUPA Manager is involved with a number of different training courses. He was the instructor for the HAZWOPER and 1st responder decontamination training at the CUPA Conference. In addition, he also performs Homeland Security training and "tail gate" training for owners/operators.